



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

MEMO ENDORSED

March 9, 2021

3/9/21

BY ECF

The Honorable Colleen McMahon
Chief United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

CASE adjourned to
March 31, 2021 at 2:30 pm -
Time excluded through March 31,
in the interest of justice,
to facilitate plea discussions.

Re: United States v. Jose Rafael Nunez Duarte, a/k/a "Jose Javier Rivera Bernard."
20 Cr. 329 (CM)

Colleen McMahon

Dear Chief Judge McMahon:

A status conference is scheduled in the above-captioned matter for March 10, 2021. After conferring with the Court's Chambers regarding available dates, the parties respectfully request that the Court adjourn the status conference until March 31, 2021, at 2:30 p.m. The Government and defense counsel have been engaged in productive discussions regarding possible pretrial resolution. The adjournment is requested to permit defense counsel additional time to confer with the defendant regarding the discovery materials, which are fact intensive and require translation into Spanish, and the ongoing discussions with the Government regarding possible pretrial resolution. Those efforts by defense counsel have been hindered, in part, by limited access to the defendant, who is detained, in light of the ongoing COVID-19 pandemic.

In the event that the Court grants the requested adjournment, the Government respectfully requests that the Court exclude time under the Speedy Trial Act, from March 10, 2021 until March 31, 2021 for the reasons stated above. The Government submits that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

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I have communicated with defense counsel, who consents to the adjournment and exclusion of time.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney

By: 
Brett M. Kalikow
Assistant United States Attorney
(212) 637-2220

cc: Mark I. Cohen, Esq. (via ECF)